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New York

President:	Mr. Motoc	(Romania)
Members:	Algeria	Mr. Baali
	Angola	Mr. Antonio
	Benin	Mr. Aho-Glele
	Brazil	Mr. Sardenberg
	Chile	Mr. Andereya
	China	Mr. Zhang Yishan
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Pakistan	Mr. Khalid
	Philippines	Mr. Baja
	Russian Federation	Mr. Denisov
	Spain	Mr. De Palacio España
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Danforth

Agenda

Report of the Secretary-General on the Sudan (S/2004/453)

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04-44515 (E)

The meeting was called to order at 11.10 a.m.

Adoption of the agenda

The agenda was adopted.

Report of the Secretary-General on the Sudan (S/2004/453)

Welcome of the new Permanent Representative of the Russian Federation

The President: I have the pleasure to recognize the new Permanent Representative of the Russian Federation, His Excellency Ambassador Andrei Denisov. On behalf of the Security Council, I extend a warm welcome to him and look forward to working closely with him.

I should like to inform the Council that I have received a letter from the representative of the Sudan in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Erwa (Sudan) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the Sudan, document S/2004/453.

Members of the Council also have before them document S/2004/611, which contains the text of a draft resolution submitted by Chile, France, Germany, Romania, Spain, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

I should also like to draw the attention of the members to documents S/2004/561 and S/2004/603, containing letters dated 12 and 27 July 2004, respectively, from the representative of Nigeria, and document S/2004/513, containing a letter dated 22 June 2004 from the representative of the Sudan.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

I shall first give the floor to those members of the Council who wish to make statements before the voting.

I give the floor to the representative of China.

Mr. Zhang Yishan (China) (*spoke in Chinese*): The humanitarian situation in Darfur, in the Sudan, has recently been a source of concern for the international community. The United Nations, the African Union and a number of countries are working actively to facilitate the resolution of the situation there.

We believe that the satisfactory resolution of the political situation in Darfur requires, first, the speedy alleviation of the severe humanitarian situation; secondly, that political negotiations be expedited so as to reach, as soon as possible, a comprehensive agreement based on respect for the Sudan's sovereignty and territorial integrity; and, thirdly, that the international community honour its assistance commitments expeditiously, provide effective logistical support and increase its contributions.

The Chinese Government, concerned about the humanitarian situation in Darfur, has provided goods worth 5 million Chinese yuan to the Sudanese Government for humanitarian assistance.

China commends Secretary-General Annan and his Special Adviser for their efforts to alleviate the situation in Darfur. We welcome the joint communiqué issued by the Secretary-General and the Government of the Sudan. We note that the Government of the Sudan has taken a number of measures aimed at honouring the commitment it made in the communiqué, which has resulted in the improvement of the humanitarian situation in Darfur.

China hopes and believes that the Government of the Sudan will continue actively to honour its commitments, particularly its commitment to disarm the Janjaweed and other illegal groups, so as

effectively and materially to improve the security situation in Darfur.

China appreciates and supports the leadership role played by the African Union in resolving the situation in Darfur. We commend highly the efforts it has made, including the deployment of a ceasefire monitoring commission and a protection force. We hope that all States will provide further assistance supplementary to the efforts of the African Union.

We welcome the political negotiations hosted by the African Union on 15 July, which urged both sides, especially the rebel group, to resume negotiations unconditionally.

China believes that the Government of the Sudan bears primary responsibility for resolving the Darfur situation and that the international community should make every effort to assist the Government of the Sudan. The Security Council should listen attentively to the voice of the African Union, and its actions should be conducive to securing the cooperation of the Sudanese Government, facilitating the resolution of the problem and contributing to the security and stability of the Sudan.

The draft resolution proposed by the United States and other countries, although some amendments have been made to it, still includes mandatory measures against the Sudanese Government. As all the parties are speeding up diplomatic efforts, such measures cannot be helpful in resolving the situation in Darfur and may even further complicate it.

China had hoped that the sponsors of the draft resolution would have taken seriously into consideration China's concerns and made the appropriate adjustments so as to arrive at a consensus in the Security Council. Regrettably, that proposal was not accommodated or responded to. We can therefore only abstain in the voting on this draft resolution in the Security Council.

The President: It is my intention to put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Algeria, Angola, Benin, Brazil, Chile, France, Germany, Philippines, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

None

Abstaining:

China, Pakistan

The President: The result of the voting is as follows: 13 votes in favour, none against and 2 abstentions. The draft resolution has been adopted as resolution 1556 (2004).

I shall now give the floor to those members of the Council who wish to make statements following the vote.

Mr. Danforth (United States of America): For years, a number of nations in Africa, Europe and North America have worked hard to encourage a peace process in Sudan. We hoped for a country that would be a model of ethnic reconciliation. We anticipated helping Sudan build its infrastructure, allowing it to develop its resources and agricultural potential. The last thing we wanted to do was lay the groundwork for sanctions.

But the Government of Sudan has left us no choice. It has done the unthinkable. It has fostered an armed attack on its own civilian population. It has created a humanitarian disaster. So, the resolution just adopted is our necessary response if we are to help save the people of Darfur.

Actions of the Government of Sudan and its Janjaweed proxies have led to 30,000 deaths in Darfur since February 2003. They have caused more than 1 million people to flee their homes, some 200,000 having crossed the border into Chad. Perhaps 300,000 more people face death by hunger and disease in the next six months. Even if the violence stopped today, it would take 15 months before new crops could be raised and harvested.

The responsibility for this disaster lies squarely with the Government of Sudan. To suppress a rebel uprising begun in early 2003, the Government commenced a campaign of terror against innocent civilians. Government aircraft bombed villages. Exploiting an ancient rivalry between Arab African herdsmen and groups of largely black Africans who are farmers, the Government armed the Janjaweed militias and unleashed them against black civilians.

The Janjaweed followed the Government aircraft, burning villages, destroying crops, murdering men and raping women. Rape has been a principal tactic of the Janjaweed. Congressman Frank Wolf of Virginia showed me the statement of 44 women of the Tinah region who had been raped just days before his visit to Darfur.

Darfur is not an isolated example of the Government of Sudan's practice of arming militias and encouraging them to attack civilians. In the late 1990s and early in this century, it used the same tactic in an effort to depopulate the oil-producing part of the country, arming militia which then attacked civilians and plundered and burned villages.

Some said that the Council should give the Government of Sudan more time before adopting this resolution. The United States did not agree. On 3 July, the Government issued a joint communiqué with the Secretary-General. That was nearly four weeks ago.

In the joint communiqué, the Government of Sudan committed itself to numerous specific actions focused on humanitarian assistance, human rights, security and political settlement of the conflict in Darfur. The Government promised to deploy a strong, credible and respected police force in all areas of internally displaced persons (IDPs). It has not kept that promise. The Government promised to ensure that no militias are present in all areas surrounding IDP camps. It has not kept that promise. The Government promised that it would immediately start to disarm the Janjaweed. It has not kept that promise. The Government promised to ensure that immediate action would be taken to rebuild the confidence of the people of Darfur. It has not kept that promise.

Twenty-seven days have passed since the Government of Sudan made its solemn commitments to the Secretary-General. While precise numbers are difficult to ascertain, the latest World Health Organization estimates suggest that between 240 and 440 people die every day as a result of this conflict. That means that up to 11,000 people have died since the 3 July communiqué, and more people die every day that the Government stonewalls the international community. It is time to start the clock ticking on the Government of Sudan.

The resolution just adopted calls on the Government of Sudan to do all in its power to facilitate humanitarian relief. It endorses the deployment of international monitors and a protection force. It imposes an arms embargo specifically focused on Darfur and it provides a monthly progress-monitoring mechanism, with the prospect of sanctions if the Government of Sudan fails to fulfil its commitments. It calls for the Government of Sudan to work with the Special Representative of the Secretary-General, Mr. Jan Pronk, to investigate human rights abuses and violations of international humanitarian law. The resolution, in stern and unambiguous terms, puts the Government of Sudan on notice that it must fulfil the commitments it made on 3 July. Sudan must know that serious measures — international sanctions — are looming if the Government refuses to do so.

Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs, has said that without international pressure, the Government of Sudan would not have allowed increased humanitarian access to Darfur. The Government of Sudan has not provided security, without which people seeking and providing aid would only be targets for the Janjaweed. Without pressure, it will not do so. This resolution applies that pressure.

Many people who are concerned about Darfur would say that this resolution does not go far enough. Last week, the Congress of the United States passed resolutions referring to the atrocities in Darfur as genocide. Many people would want the Security Council to do the same. Perhaps they are right. But it is important that we not become bogged down over words. It is essential that the Security Council act quickly, decisively and with unity. We need to fix this humanitarian problem now.

The current resolution, while not labelling the present situation in Darfur as genocide, does explicitly condemn "acts of violence ... with an ethnic dimension". The resolution anticipates sanctions against the Government of Sudan if the regular monthly reporting cycle reveals a lack of compliance. The resolution gives the Government of Sudan one small window of opportunity to improve the situation dramatically in days and weeks, not months or years.

The purpose of this resolution is to relieve the suffering of Darfur, not to punish Sudan. Indeed, the hope of my Government — and I am sure of every member of the Council — is that Sudan fulfils its potential as a peaceful and stable nation, with diverse

people living together in peace. The choice is up to the Government of Sudan.

It may be the case that the Government of Sudan thinks that time is on its side, that with the passage of time, other crises will supplant Darfur on the world stage. It may be that the Government of Sudan thinks that our attention will be fleeting and that it can soon continue with its business in Darfur free from action by the community of nations.

This resolution guarantees that Darfur will be before the Security Council and before the world next month and the month after that — and for as long as it takes to ensure that the people of Darfur can live in peace.

Sir Emyr Jones Parry (United Kingdom): The crisis in Darfur is dire. Large numbers of people face starvation and oppression. Tens of thousands have already died, and many more continue to live in fear for their lives.

For months, the United Nations family, the African Union, bilateral donors and other organizations have been mobilizing attention and resources to avert the humanitarian and security catastrophe which has been emerging. My own ministers have worked tirelessly to that end.

This resolution is a further vital step forward in the Council's consideration of Darfur. It builds on some positive steps which have been taking place, but underlines the need for the Government of Sudan to implement all the commitments it has already made to the Secretary-General. Those commitments include the most basic of a Government"s obligations to its own people: the obligation to protect them — something that the Government of Sudan has so far failed to do.

The rebels in Darfur also bear their share of the responsibility for the present crisis. The resolution demands that they, too, meet their obligations and, without pre-condition, engage in peace talks and act to resolve the conflict.

The resolution supports the positive involvement of the African Union on the ground, and emphasizes the need for the international community to provide more humanitarian assistance.

There has been progress elsewhere in Sudan, and we look forward to the successful completion of the Naivasha process. In this resolution, the United Nations is signalling its willingness to support that agreement and, as necessary, deploy a peace support operation. But a solution to Darfur is a necessary condition for that support.

The international community wants to work in concert and cooperation with the Government of Sudan. This would be greatly preferable to compulsion and sanctions. But the message to the Government and to the rebels should be clear and firm. If commitments and obligations are not met, if peace talks are not entered into constructively and in good faith, and if the intimidation and atrocities do not end, then the Council, when it reviews progress next month, will be considering measures as provided for in Article 41 of the Charter.

The adoption of this resolution underlines the commitment of the Security Council to ensure that all Governments fulfil that most basic of obligations – the duty to protect their own citizens.

Mr. Baali (Algeria): I have the honour to speak on behalf of the three countries representing Africa on the Council — Angola, Benin and my own country, Algeria. I would like, at the outset, to express our satisfaction at the adoption of the resolution on the situation in Darfur — a very important and sensitive issue that has been before the Council for several weeks and the subject of arduous and delicate negotiations between the members of the Council.

The three African countries deemed it appropriate to support the resolution for the four following reasons. First of all, we believe that the international community cannot be passive and indifferent with regard to the ongoing humanitarian crisis unfolding in Darfur, Sudan, and that it should express its concern about the horrendous crimes committed against the civilian population — crimes that have claimed and destroyed many lives, forced hundreds of thousands to flee their homes and inflicted unbearable suffering upon the whole population.

As Africans, we believe that whenever and wherever there is a conflict in Africa, we — more than anyone else — have a special duty and a primary responsibility towards our sisters and brothers when they suffer and when their lives are at risk. That is why the African Union acted so promptly and so decisively in the case of Darfur. While we fully understand the need for the Council to assume its obligations under the Charter, we need to make sure that its actions

complement and support the efforts of the African Union, which has taken the lead with courage and determination in addressing the situation in Darfur.

Therefore — this is my second point — we can only be satisfied with the fact that the resolution just adopted contains a strong and unequivocal expression of support for and endorsement of the leadership role and the engagement of the African Union in addressing the situation in Darfur in its various dimensions — humanitarian, military and political — through the deployment of monitors and a protection force, with the possibility of creating a full-fledged peacekeeping operation and the sponsoring of talks between the Government of Sudan and the rebel groups, with a view to reaching a political solution to the tensions in Darfur.

We are particularly satisfied that the Security Council has requested the Secretary-General to assist the African Union with planning and assessment for its mission in Darfur and that it has also requested Member States to provide assistance, as needed, for the African Union monitoring operations and to contribute generously to the United Nations appeals to mitigate the humanitarian catastrophe.

Now that the restrictions have been lifted, we expect the international community to provide sufficient assistance to the affected populations.

Thirdly, we are satisfied that the Security Council has urged the parties to the N'Djamena Ceasefire Agreement to conclude a political agreement without delay and we note, in this regard, the strong appeal made to the rebel groups to engage in peace talks without preconditions.

Fourthly, we are satisfied that the Security Council has chosen to keep the Government of Sudan — which has started taking positive steps — fully engaged and to call on it to follow through on the commitments that it made in the communiqué of 3 July 2004, and we are hopeful that, at our next review, the situation will have greatly improved on the ground.

In other terms, we hope that humanitarian assistance will reach all internally displaced persons and that significant progress will be made in establishing credible security conditions for the civilian population and humanitarian actors; in disarming the Janjaweed militias and in bringing their leaders to justice; and in promoting the political peace process.

In this regard, we would like to emphasize that only then will the Council consider whether or not it should envisage other measures.

Finally, I would like to thank the sponsors of the resolution for the flexibility that they showed during negotiations.

Mr. Denisov (Russian Federation) (*spoke in Russian*): I would like first of all to thank you, Mr. President, for your warm words of welcome. I shall do everything in my power to strengthen our cooperation in the interests of international peace and security.

The humanitarian and political situation in the Sudanese province of Darfur remains complex. Unfortunately, large-scale violations of human rights and the norms of international humanitarian law are continuing there. Units of the Janjaweed and other illegal armed groups, despite appeals and warnings from the international community, are attacking the peaceful civilian population, killing, plundering and destroying property and the means for survival of completely innocent people.

The situation of internally displaced persons in Darfur itself, and of the Sudanese refugees in neighbouring Chad, is dire. All of this is fraught with destabilizing consequences, both for the Sudan and the subregion as a whole.

This violence must end. As we understand it, Khartoum is aware of the need to adopt urgent measures to redress the present situation. A further build-up of international humanitarian assistance, with the active participation of the United Nations, is now necessary. The priority must be to ensure reliable security for the civilian population and for humanitarian personnel. The primary responsibility for this lies with Khartoum, but the armed opposition must also share in it.

An important role in assisting with and promoting a normalization of the situation in Darfur lies with the African Union. Its peacekeeping efforts deserve vigorous support from the United Nations. Everything necessary must be done for the speedy resumption of negotiations, under United Nations and African Union auspices, on a political settlement in that region of the Sudan. The Security Council cannot remain passive in the face of the Darfur crisis. The Russian delegation participated constructively in reaching agreement on a draft resolution on this problem. We hope that the

Security Council's decision sends a clear signal to the Government of Sudan and to the rebels that they must fulfil their commitments to the letter and as quickly as possible, first of all regarding the disarmament of all illegal armed groups. The Security Council will continue to carefully follow this process.

Of fundamental importance is the fact that the resolution does not foresee possible further Security Council action with regard to Darfur — which could be taken to implement the Council's decisions in the light of further developments in the situation and on the basis of relevant recommendations of the Secretary-General.

The Russian Federation supported the adoption of the resolution and will continue to make practical contributions to efforts being made under United Nations auspices for a speedy normalization of the situation in Darfur and for a lasting political settlement in the region throughout the Sudan.

Mr. Pleuger (Germany): We welcome the fact that, after long and difficult negotiations, the Council has adopted this resolution. Negotiations are always a process of give and take, but in the end we believe that the signal the Council is now sending to Khartoum is unambiguous. The Government of the Sudan has been given a chance to avoid the imposition of sanctions by demonstrating, within the next 30 days and in a clear and verifiable manner, that it is making significant and measurable progress on disarming the Janjaweed militias and bringing them to justice, and that it is making every effort to protect its own people. This is a clear and constructive message, and Germany therefore decided to sponsor this resolution.

The Council's common expectation is that the Government of the Sudan will now have the wisdom to take more forceful actions towards complying with the established benchmarks, as laid down in the resolution and in the joint communiqué issued on 3 July by the Government of the Sudan and the Secretary-General. We hold the Government of the Sudan responsible for the security of all 1.5 million people at risk in Darfur and for the unhindered delivery of humanitarian aid.

We sincerely appreciate the leading role that the African Union has taken in confronting this conflict, at both the political and the peacekeeping levels. This is an important development, and Germany is keen to maintain and further develop a close partnership with the African Union.

We note that the Secretary-General's recently established Special Adviser on the Prevention of Genocide has a mandate to make recommendations on situations of massive human rights violations that, if not prevented, could lead to genocide. Only a few weeks ago, the Council unanimously welcomed the creation of this new mechanism. We trust that Mr. Méndez, the Special Adviser, will make full use of his mandate and will help clarify the persistent reports we have already received on the ethnic dimension of the situation. In this context, we would like to point out that a variety of mechanisms have a role in monitoring the human rights situation. Some of those mechanisms are already in place, others not. I would like to recall that not only Germany but all European Union Foreign Ministers have called, in their most recent joint declaration on Darfur, 26 July, for the establishment of an independent international commission of inquiry into the abuses committed in Darfur, following up on the recommendations in the report of the Office of the United Nations High Commissioner for Human Rights.

While the Council has been deliberating, the suffering, the killing and the dying in Darfur have continued. The Government of the Sudan must now act rapidly and decisively for the sake of its very own population — which it has, as the Secretary-General rightly put it, a sacred obligation to protect. Otherwise, paragraph 6 of the resolution would apply, and further Council deliberations could lead to the imposition of sanctions. Although we would consider that a very unfortunate development and although we sincerely hope that it will be avoided, we explicitly reserve the right to follow that path if the Government of the Sudan leaves us with no other choice.

Let us not be misunderstood. Our goal is to stop the suffering and the killing of innocent civilians. We expect all parties, the rebel side as much as the Government of the Sudan, to fulfil their obligations. Without a political solution to the crisis in Darfur, we will not achieve sustainable peace for the entire Sudan. Germany, bilaterally and together with its partners in the European Union, stands ready to support all efforts to achieve lasting peace in the Sudan.

Mr. De Palacio España (Spain) (*spoke in Spanish*): The gravity of the situation we are facing in Darfur calls for a clear and urgent response by the Security Council. We believe that the text just adopted, which Spain sponsored, fulfils those requirements. In a balanced manner, the resolution reminds the Sudanese

Government of the responsibilities derived from the commitments it has assumed, which are set out in the joint communiqué signed on 3 July. The Security Council must ensure that the Sudanese Government fulfils its commitments. We hope that this will be the case; if not, the Council must be prepared to adopt all measures necessary to guarantee the fulfilment of those commitments.

This firm message should be understood as being aimed also at the Janjaweed militias and those supporting them as well as at the rebels, and we urge them to fulfil the obligations imposed on them by the resolution. But the resolution also highlights the leadership role played by the African Union in the resolution of this crisis, stressing the importance of a regional approach in addressing the crisis. This can only work to the benefit of the Sudanese political process as a whole. We must continue supporting the efforts of the African Union and encouraging member States to do their part. This is a very valuable opportunity to strengthen their structures of cooperation for the maintenance of peace and security on the continent.

Finally, I must not fail to mention our deep concern at the ongoing violations of human rights and international humanitarian law that are taking place in Darfur. European Union Foreign Ministers stated in Brussels on 26 July, and as reflected in this resolution, those acts must not remain unpunished. The Security Council must ensure that those responsible are apprehended and brought to justice. My delegation will strive to ensure that that happens.

Mr. Sardenberg (Brazil): My delegation understands that the resolution just adopted is part of a sequence of decisions to be taken in due time by the international community — and in particular by the Security Council — with a view to promoting peace and security, alleviating the suffering of more than 1 million people and putting an end to the humanitarian disaster in the Darfur region.

Those decisions will have to address all features of a complex crisis that is undermining major efforts towards peace and development, not only in Sudan but also in a large part of the African continent. The decisions must respond first to the huge need for increased international support for humanitarian assistance, both in Darfur and in Chad. Brazil therefore welcomes the great efforts being made by Secretary-General Kofi Annan to reach donor countries and to obtain further resources. At the same time, those decisions will have to further stimulate the political engagement of all parties concerned to comply fully with their commitments to promptly improve the situation on the ground, thereby allowing the safe return of Sudanese refugees and internally displaced persons to their homes.

Security is a major issue. The unequivocal political determination of the Government of Sudan and of the rebels to honour the ceasefire signed at N'Djamena is absolutely necessary, as is the disarming and reining-in of the Janjaweed militias and other outlaw groups.

Lastly, the decisions will also have to convey a strong message to all perpetrators of human rights violations that there will be no impunity and that the guilty will be brought to justice.

Resolution 1556 (2004) contains valuable provisions that my delegation believes it fair to highlight. They include the condemnation of all acts of violence and violations of international humanitarian law by all parties to the crisis, the emphasis on the responsibilities of the Government of Sudan itself, due reference to the leading role being played by the African Union, and a crucial request of the donor community to meet the commitments it made in the context of appeals on behalf of Darfur and Chad.

Nonetheless, we regret that the entirety of the operative part of the resolution is under Chapter VII of the Charter, thus, as we understand it, adding little or no value to its vigour. In fact, except for provisions made in paragraphs 6 to 9, we believe that the Council need not act under Chapter VII. My delegation and others also view the reference to Article 41 of the Charter as a way out and a compromise. However, the text should have made clear that measures such as those envisaged in Article 41 as appropriate should be adopted solely for the purpose of giving effect to the decisions of the Security Council contained in this resolution.

Finally, I would like to refer to the official statement issued last Wednesday at Brasilia. Brazil reaffirms the urgent need for all the parties concerned to respect the ceasefire. We also urge the Government of Sudan to comply fully with its commitments under the joint communiqué signed on 3 July, particularly those referring to the protection of its population in

Darfur and to the observance of international humanitarian law. In that same statement, my Government also stressed the need for the Security Council to support the efforts made by the African Union in its mission to monitor the ceasefire and to help bring peace to Darfur.

Mr. De La Sablière (France) (*spoke in French*): France was a sponsor of the resolution we have just adopted on the situation in Darfur. Along with the efforts of the Secretary-General, the resolution, which is in line with the Council's policy in recent weeks, combines dialogue and strong pressure on the Government of Sudan to protect the population of Darfur. That is our only goal in the resolution.

The primary responsibility of the Government of Sudan is to protect its population. Given the nature of this crisis, the international community cannot remain on the sidelines. Beyond the effort to be made to provide humanitarian assistance — which must still be developed further — the international community must ensure that there is access in the provision of that aid. It must also ensure that people who have suffered so much are no longer subjected to human rights violations and abuses. The Government of Sudan has made commitments to the Secretary-General with regard to access for humanitarian aid. We welcome the fact that that matter appears to have been resolved.

But the Government's commitments also involve the security situation, in particular with regard to the disarmament of the Janjaweed militias — whose behaviour has been atrocious — and the arrest and bringing to justice of their leaders and accomplices. The Security Council will monitor that situation closely on a regular basis. Moreover, the Council expects to receive a report in the next few days from the representative of the Secretary-General following the joint mission now on the ground. The resolution calls for the Secretary-General to report to the Council on this matter within 30 days, and monthly thereafter. The Council will then assess the implementation of the commitments made. Failing that implementation, the Council will have no other choice but to plan for other actions, including measures provided for in Article 41 of the Charter. This is in line with the conclusions reached by European Union ministers at the latest meeting of the General Affairs Council. We are convinced, however, that the authorities in Khartoum will do what is necessary. As the resolution states, it is also essential that rebel groups respect the ceasefire and engage in peace talks without preconditions.

As stated by Mr. Michel Barnier, France's Minister for Foreign Affairs, during his trip to Darfur on 27 July, we believe this to be an extremely serious crisis. Despite the fact that the worst has been averted due to the outstanding work done by non-governmental organizations, a humanitarian disaster is still possible. We hope that the Sudanese authorities will understand the message being sent by the Council today, namely, that the determination we are asking of them goes hand in hand with our conviction that a humanitarian catastrophe can be avoided in Sudan.

Lastly, I would like to add that France is pleased by the support given to the resolution by the member States of the African Union. Their contribution to resolving this humanitarian crisis is pivotal to the efforts being made.

Mr. Khalid (Pakistan): The people and Government of Pakistan are as concerned about the humanitarian crisis in the Darfur region of Sudan as the other members of the international community. All the people suffering as a result of this crisis are part of the Islamic *ummah*. Pakistan fully shares the humanitarian objectives of the resolution just adopted.

Pakistan has welcomed the involvement of the Secretary-General in facilitating a solution to the crisis. The joint communiqué of 3 July provides the best framework to address all aspects of the issue: humanitarian, security and political. It clearly delineates the commitments of the Sudanese Government and of the United Nations. It provides for an independent and objective mechanism to evaluate the progress in implementation.

The cooperation of the Government of the Sudan is critical in realizing our shared objectives of saving lives, addressing the humanitarian crisis and stabilizing peace in the Darfur region. Our collective endeavours must encourage that cooperation, not complicate it. The Secretary-General has consistently emphasized the need for what he calls a coldly realistic approach. We agree with his advice.

Pakistan has consistently counselled a calibrated response. While we appreciate the improvements in the draft, made in response to Pakistan's specific proposals, the final text still lacks the delicate balance that this complex situation requires. We regret that,

despite efforts, no compromise was possible. We were therefore not able to support the resolution.

Pakistan did not believe that the threat or imposition of sanctions against the Government of the Sudan was advisable under this resolution. Pakistan trusts that the Security Council will not need to take such further measures. In this context, we look forward to the report of the Secretary-General to be issued in 30 days, which we hope will confirm that the Government of the Sudan and the rebel groups are complying with their commitments and obligations. We also did not believe that the adoption of the entire resolution under Chapter VII was necessary.

The resolution went through several revisions. As compared to the initial draft, it now emphasizes the need for urgent and adequate humanitarian assistance to the displaced people and refugees from Darfur. The serious shortfalls which have been identified in such humanitarian assistance must be quickly met. The unrestricted access provided by the Government of the Sudan should be availed of to provide such assistance. The resolution calls for the immediate disarmament of the Janjaweed and a halt to all attacks against the people of the region. Not only the Government of the Sudan, but also the rebel groups must halt their attacks.

Pakistan welcomes the emphasis on the need for a political solution to the Darfur crisis. We hope and expect that the Sudan Liberation Army and the Justice and Equality Movement will adopt a realistic and constructive position in the dialogue which is to be undertaken under the auspices of African Union mediation. All parties must negotiate in good faith in that dialogue.

In that context, Pakistan welcomes the fact that, at our insistence, the text now includes the principle of preserving the territorial integrity of the Sudan. A solution to the Darfur crisis must be found within the unity and territorial integrity of the Sudan. Pakistan also welcomes the recognition of the leading role of the African Union in addressing the Darfur crisis and calls for international support for that role.

The Government of the Sudan has declared that it is fulfilling its commitments under the joint communiqué concluded with the United Nations. The need for visible action to that end — especially the speedy disarmament of the Janjaweed — is apparent. This has been conveyed to President Bashir by President Musharraf in two telephonic conversations. President Musharraf has been approached international leaders to assist in resolving t humanitarian situation. He has made strenuous effo in the past few days and asked that some time a space be given for solutions to be found that wou avert the need for or threat of sanctions, so that forwa movement can take place on the three central eleme of the crisis: humanitarian access, political dialog and security. He has been invited to visit the Sudan that context.

However, while we understand the intentions the sponsors regarding the objectives, with respect the means adopted and the fact that no space or tir has been given we would not like to prejudice t position accorded to our President and country as neutral party trying to assist all sides in the search f an effective solution.

Mr. Andereya (Chile) (*spoke in Spanish*): T international community has made persistent appeals the Sudanese authorities to enforce law and order in t Darfur region and to bring to justice those responsib for the crimes committed against the civili population.

The Chilean Government co-sponsored today resolution on the basis of its deep conviction that it not possible to continue to hope for action by t authorities responsible while grave and massiv violations of the fundamental rights of person especially the right to life, continue. The Governme of Chile hopes that, because of the adoption of t resolution, the Government of the Sudan will follow with compliance within the timetable set and therel restore justice, order and, ultimately, peace in t Darfur region.

Mr. Baja (Philippines): We voted in favour resolution 1556 (2004) in response to the humanitari crisis in Darfur. Whether what is happening there genocide or ethnic cleansing should not be the priori question at the moment. The fact is, people are dyin and women are being raped and homes and proper destroyed. The collective conscience of t international community must arrest that catastrophe.

Sovereignty also entails the responsibility of State to protect its people. If it is unable or unwilling do so, the international community has th responsibility to help that State achieve such capaci and such will and, in extreme necessity, to assume suc

responsibility itself. We voted in favour of resolution 1556 (2004) in that context.

We believe that resolution 1556 (2004) gives the Sudan the space to seize the opportunity and to meet the challenge of further addressing its commitments in Darfur. It is still our hope that, after 30 days, there will be no need to contemplate the "s word" again and that the Security Council will find no reason to implement Article 41 of the Charter of the United Nations, as called for in paragraph 6, because the Sudan will have complied with its commitments.

For most intents and purposes, resolution 1556 (2004) is an enlightened resolution and we are glad to be part of its adoption.

The President: In my national capacity, I wish to make some remarks explaining Romania's vote on resolution 1556 (2004), just adopted.

Romania voted in favour of the resolution. We believe that the action taken today binds together in a meaningful way a framework and a process by which the international community — the United Nations, the African Union, the European Union, the League of Arab States, and individual nations from the region and across the world — may respond effectively to the crisis in the province of Darfur, the first major humanitarian challenge of this century. A special commendation goes to the leadership displayed by the African Union.

Through this action, the Government of the Sudan is being engaged with a view to ensuring that it lives up to its own commitment to secure protection for all its nationals and to redress the human tragedies on its territory. Romania hopes and expects that the Council will constantly review developments on the ground. The flexibility built into resolution 1556 (2004) enables it to do so properly and effectively.

We recognize today that all parties concerned must live up to their respective responsibilities.

We are looking in a comprehensive manner at all the challenges confronting the Sudan today. We hope to work in support of a comprehensive solution as well, opening up prospects for stability, development and prosperity in the Sudan: prospects we believe are within reach.

The Sudan is an important country for Romania. It is also important to respond promptly to the pressing needs of those who suffer or are at risk there. My Government is finalizing the delivery of a humanitarian assistance package. Tomorrow, Romanian Foreign Minister Mircea Geoana will be in Khartoum and in the Darfur region. The issue voted upon today is clearly not an abstract matter for us: Romania does indeed care about the Sudan and its people.

The international response to the dramatic events unfolding in the Sudan, in Darfur, shows that cooperation between the United Nations and regional organizations is now bolder and more innovative and is less impaired by artificial lines of separation. The thematic debate proposed by Romania for the public meeting of the Council on 20 July (see S/PV.5007) under the presidency of the Romanian Prime Minister addressed issues that have clearly gone beyond the realm of theory to engage with living reality. Subsidiarity and complementarity among universal, regional and subregional institutional capabilities for maintaining peace and security do indeed work. Romania is therefore optimistic that such a matrix for cooperation will enable us to pass on to future generations a world free of conflicts, including frozen and forgotten ones.

I now resume my functions as President of the Security Council.

I give the floor to the representative of the Sudan.

Mr. Erwa (Sudan) (*spoke in Arabic*): As I address the Council, I am overwhelmed by sorrow at the Council's hasty adoption this morning of a resolution on the situation in Darfur at a time when my Government is in a race against time to implement its agreement with the United Nations. Perhaps the adoption of the resolution answers many of the questions that the Darfur crisis has raised for us.

The military rebellion in Darfur, which began in February 2003, took place at a strange time, raising grave suspicions and questions. Just as negotiations were on the verge of attaining a peace agreement that would have put an end to Africa's longest-running military conflict, the Sudanese nation was taken by surprise by the military rebellion in Darfur, which quickly destroyed infrastructure, service facilities and development projects, and which tore asunder the social fabric and peaceful coexistence in the region. That gave rise to the humanitarian situation of which the Council is aware.

On the basis of our firm conviction that peace is indivisible and of our responsibility to ensure that our citizens enjoy peace, safety, security and a life of dignity, my Government tried to address the rebellion through serious national dialogue and sincere cooperation with the international community. In that context, my Government made constructive and, I stress, good-faith efforts with the United Nations and, bilaterally, with a number of members of the international community. Those efforts culminated in the 3 July signing of the joint communiqué issued by the Government of the Sudan and the Secretary General, which outlines a plan of action to contain the humanitarian crisis in Darfur within 90 days.

I am not known for making lengthy statements before the Security Council. But since the Council is considering a matter with an immediate impact on my country's destiny, and given the allegations that it is the world's gravest humanitarian crisis, I am obliged to make a detailed statement, especially as this is the first opportunity we have been given to express our views: we have been denied any such opportunity since the Security Council was seized of this matter some months ago.

As members know, the joint communiqué set out specific obligations both for my Government and for the United Nations. It might be useful — assuming that the facts would actually make any difference — briefly to review the commitments the Government of the Sudan made in the joint communiqué and the status of their implementation one third of the way into the 90-day period.

My Government made commitments in the following areas: humanitarian issues; human rights; security; and a political settlement.

On humanitarian issues, the joint communiqué calls for a moratorium on restrictions on humanitarian work, including suspending visa restrictions and permitting freedom of movement for humanitarian workers; permitting registration of non-governmental organizations; and suspending all restrictions on the importation and use of all humanitarian assistance materials, transport vehicles, aircraft and communication equipment. To an unprecedented degree, my Government has fulfilled all those commitments. Even before the ink on the joint communiqué was dry, we had fulfilled our commitments, as certified by the United Nations and all other parties.

Secondly, on human rights, the joint communiqué calls for concrete measures to end impunity, and commits us to undertake investigations of human rights violations, ensure that the Independent Investigation Committee receives the necessary resources, ensure that human rights violators are brought to justice, allow the deployment of human rights monitors and establish a fair system, respectful of local traditions, that will allow women to bring charges against those who have raped them. As members are aware, my Government has already mobilized and strengthened its police force and judiciary system in the Darfur region; it has accepted complaints and other information; it has established the Independent Investigation Committee to investigate human rights violations and has facilitated its work; and it has permitted the deployment of human rights observers in Darfur. In fact, observers from the Office of the United Nations High Commissioner for Human Rights are already in the Sudan. Because of the sensitive nature of issues of sexual exploitation in our country, the Government of the Sudan has sent investigative teams led by women judges to Darfur to hear complaints regarding cases of rape.

The third set of commitments relates to security. Here, the Government of the Sudan is obliged to deploy a credible police force in all areas for internally displaced persons (IDPs), to train police personnel in human rights law, to ensure that no militias are present in all areas surrounding IDP camps, to disarm the Janjaweed militias and to ensure that credible action is taken to ensure the voluntary return of IDPs to their homes. In that regard, and as I indicated in a letter to the Council, as of yesterday 4,812 out of 6,000 police officers had been deployed in Darfur, with a special focus on IDP camps. Moreover, a human rights training programme for police officers has been set up, and the voluntary return of IDPs has begun. To date, some 150,000 IDPs have returned to their homes. With regard to the Janjaweed, perhaps the Council heard the news of the arrest of 200 members of that group. They were brought to justice, and some of them received death sentences.

The fourth set of commitments pertain to a political settlement. The joint communiqué demands that the Government of the Sudan resume political talks. The Government responded to the African Union's invitation and dispatched a high-level

delegation, led by a federal minister and composed of six state ministers, with full power to negotiate without preconditions in order to reach a political settlement.

The Council is aware of the outcome of those talks, which collapsed before they could even start because of the intransigence of the rebels and their insistence on stonewalling preconditions, which, perhaps, reflected the wrong message that they continued to receive from the international community.

That is the Government's balance sheet in terms of our implementation. Concrete facts demonstrate this on the ground. We signed the joint communiqué in good faith and based on our conviction that it would provide a credible and viable mechanism to meet the humanitarian needs of the people of Darfur. It never even occurred to us that the communiqué would be used as a springboard to penalize the Government of the Sudan, whether or not it fulfilled its obligations.

Today, after the adoption by the Council of the resolution, it is our right briefly to review recent events in order to draw lessons from them and to go over some developments in which we acted in good faith also.

The Council may recall that my Government received, at the end of last month and earlier this month, the United Nations Secretary-General and the Secretary of State of the United States of America, and that the joint communiqué was the culmination of the dialogue that took place with the Government during those two visits.

However, what is striking is that the United States delegation here in New York circulated the first draft of the resolution a few hours before Mr. Colin Powell, the Secretary of State, left Khartoum, and that, before the end of the Secretary-General's visit, the United States delegation was fully aware of the provisions of the joint communiqué, which was to be issued later.

We are not supporters of any so-called conspiracy theory, but it is our right to seek a solution to this labyrinthine puzzle. Given the suspicious circumstances surrounding the adoption of this resolution today and the modalities of the negotiations that preceded it, is it not our right to say that this resolution was, in fact, adopted before those visits even started?

Furthermore, against that backdrop and given the queries I raised earlier in my statement, one might also wonder, in innocence and in good faith, if the Sudan would have been safe from the hammer of the Security Council even if there had been no crisis in Darfur, and whether the Darfur humanitarian crisis might not be a Trojan horse? Has this lofty humanitarian objective been adopted and embraced by other people who are advocating a hidden agenda?

We are fully aware that some activists within the United States Administration have worked to foster the rebellion and abetted the rebels in escalating their activities, and that they are continuing to help them to bring military pressure to bear against the Government in the context of the Naivasha negotiations. We have evidence — sound recordings — of their talks with the leaders of the rebellion. We monitored the pressure they exerted on United Nations personnel — pressure aimed at preventing them from reporting positive facts that would support the position of the Government of the Sudan.

The consultations that took place on this resolution showed that there is a divergence of views within the Council. There are those States that deemed it necessary for the Council to ensure its credibility by allowing adequate time — since there is an accord between the Government of the Sudan and the United Nations — and believe that there is a need to support the efforts of the African Union, which is endeavouring to address the Darfur issue in an earnest fashion. On the other hand, there are those States whose positions were characterized by insistence and which exerted overwhelming pressure to adopt a resolution, irrespective of the decision taken by the African leaders and of the developments on the ground, and with bizarre disregard for the wishes of large and influential geographical groups within the United Nations — groups which drew attention to the fact that hasty action on the part of the Security Council could complicate the situation instead of helping to address the issue, and called for allowing enough time for regional organizations, in this case the African Union, to play a part.

What is paradoxical about the resolution adopted today is that it is fraught with contradictions — something that does not befit an organ such as the Security Council. To put it charitably, that is, perhaps, the reason for the haste in adopting a resolution — any resolution. Indeed, the resolution has become for some an end in itself, rather than a means to an end. It is an end — a framework within which they can involve

themselves in the internal political rivalries within the Sudan.

Unfortunately, Darfur has become fertile ground, soaked with the blood of innocent people, with political rivals seeking the votes of the electorate and exploiting the general ignorance of the history and geography of peoples in remote areas of the world.

This resolution was determined before it was adopted here. It was determined in the United States Congress before it was even discussed here. We find ourselves caught between the hammer of the opponents of the American Administration, who do not want that Administration to enjoy the valuable achievement, which we appreciate, of the signing of the peace accord in southern Sudan, and the anvil of that same Administration, which would abandon the good deed it achieved and sacrifice it at the altar of active fanatics.

The United States Congress has decided that there is genocide and ethnic cleansing in the Sudan, contrary to the judgement of the Summit of the African Union. The United States Congress is the very last party to speak of genocide, ethnic cleansing and slavery. Let it go back to its history. This resolution has now been adopted; we do not know what will happen between now and 2 November.

Although my Government recognizes the fact that there is indeed a problem in Darfur and is sincerely and genuinely seeking a solution, we are faced with campaigns of hostility and suspicion. While we see some progress on the ground, we see also the progressive escalation of a vendetta through the use of the massive and powerful machine of the mass media in order to spread disinformation originated by some organizations that call themselves non-governmental organizations, which would exploit the various crises afflicting peoples throughout the world.

I have listened closely to the statements by the resolution's sponsors and those that aligned themselves with the sponsors. I was shocked and left speechless. I have just witnessed an unfair and unjust policy of double standards. Indeed, these are shameless acts. Are these the same States that we see every day on television, with their massive military machines, engaged in the occupation of nations, firing upon innocent civilians in Iraq and Afghanistan and playing the role of loyal guardian to the occupying, usurping forces in Palestine that kill and displace the unarmed and innocent Palestinian people?

Why do those supporting States follow the sponsors of this resolution without questioning them or discussing virtues? Are there voices that condemn what is happening? Why do they remain silent about the crimes of torture, killing and rape that take place in Abu Ghraib and the prisons of Afghanistan? Why do those countries remain silent before the truth, like silent devils? The fact that one possesses the power to practice oppression and injustice does not give one a monopoly over virtue. Virtue and injustice can in no way be reconciled.

The resolution expresses support for the efforts of the African Union. But in essence, it expropriates the issue of Darfur from the African Union, revealing an attitude of contempt for the African continent's capabilities and potential. This is the result of a domineering, colonial mindset. The resolution shamelessly speaks of the joint communiqué and the joint implementation mechanism, but it disregards the implementation of that joint communiqué.

Resolution 1547 (2004), adopted by the Council under Chapter VI of the Charter, calls for the role of the United Nations in support of a comprehensive peace agreement between north and south Sudan, but today's resolution was adopted under Chapter VII and calls for the deployment of United Nations activities to Darfur.

The African Union has undertaken to address the problem from its standpoint, which reflects its knowledge of all new conditions. At a moment when the African Union is striving to set up new mechanisms for disarming the militias and is seeking a peaceful solution by means of a plan taking into account the situation of the rebels, the Security Council has jumped in and hastily acted to pressure the Government and undermine its position, demanding that the Government deploy its forces to disarm the militias. That in itself demonstrates the Council's obvious ignorance of the facts on the ground. Although some provisions in the resolution call on the rebels to respect the ceasefire, those provisions are not strong enough and might send the wrong signal, encouraging the rebels to pursue their hostile actions. Given such a situation, it would be impossible to disarm the militias in a province where most of the population carries arms even if our capabilities equalled those of the coalition forces in Iraq. We all have to pause here to draw the right lessons.

My Government, eager to fulfil its responsibilities, will fully comply with the provisions of this resolution. We will continue our tireless efforts to mitigate the suffering our citizens and the population in Darfur and to restore stability to that very dear and traumatized part of our homeland. We will redouble our efforts to ensure a peaceful settlement to the problem.

Let me take this sad occasion to express my Government's thanks and appreciation to those delegations that raised the voice of truth and justice during the Council's consultations, which fully shouldered their responsibility to ensure at least some balance in that resolution and which sought to warn the Council of the risks. In the consultations, they expressed their position that the Security Council is not serving the humanitarian cause by adopting this hasty resolution. Once again, let me express our appreciation for their sense of responsibility even under pressure. We fully understand the circumstances surrounding the adoption of this resolution. We thank member States that abstained in accordance with their principled positions. We fully appreciate their noble intentions.

The President: There are no speakers remaining on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 12.40 p.m.

United Nations S/PV.5015/Corr.1

Security Council

Fifty-ninth year

Provisional

5015th meeting

Friday, 30 July 2004, 11 a.m.
New York

Corrigendum

Page 3, first column

Second full paragraph

The second line *should read*:

the African Union on 15 July, and we urge both sides,

Fourth full paragraph, third line

For mandatory *read* coercive

04-44967 (E)

United Nations S/PV.5016

Security Council

Fifty-ninth year

Provisional

5016th meeting

Wednesday, 4 August 2004, 10 a.m.

New York

President:	Mr. Denisov	(Russian Federation)
Members:	Algeria	Mr. Bencherif
	Angola	Mr. Antonio
	Benin	Mr. Aho-Glele
	Brazil	Mr. García Moritán
	Chile	Mr. Maquieira
	China	Mr. Li Junhua
	France	Mr. Florent
	Germany	Mr. Trautwein
	Pakistan	Mr. Khalid
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Spain	Mr. De Palacio España
	United Kingdom of Great Britain and Northern Ireland	Mr. Watson
	United States of America	Ms. Patterson

Agenda

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January and 31 December 1994

Letter dated 21 May 2004 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council (S/2004/420)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-44917 (E)

Letter dated 30 April 2004 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 addressed to the President of the Security Council (S/2004/341)

The meeting was called to order at 10.05 a.m.

Expression of thanks to the retiring President

The President (*spoke in Russian*): As this is the first meeting of the Security Council for the month of August, I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. Mihnea Ioan Motoc, Permanent Representative of Romania to the United Nations, for his service as President of the Security Council for the month of July 2004. I am sure I speak for all members of the Council in expressing deep appreciation to Ambassador Motoc for the great diplomatic skill with which he conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January and 31 December 1994

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The President (*spoke in Russian*): The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw the attention of the members of the Council to document S/2004/420, which contains a letter dated 21 May 2004 from the President of the International Criminal Tribunal for the former Yugoslavia, and document S/2004/341, which contains a letter dated 30 April 2004 from the President of the International Criminal Tribunal for Rwanda.

After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council.

"The Security Council takes note of the letter dated 21 May 2004 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY) addressed to the President of the Security Council (S/2004/420).

"The Security Council also takes note of the letter dated 30 April 2004 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (ICTR) addressed to the President of the Security Council (S/2004/341).

"The Security Council thanks the Presidents and Prosecutors of the ICTY and the ICTR for these assessments requested by its resolution 1534 (2004), as supplemented by their oral reports at the 4999th meeting of the Security Council on 29 June 2004.

"The Security Council reaffirms its support for the ICTY and the ICTR and welcomes the efforts of both Tribunals to carry out their Completion Strategies. The Council strongly

encourages the Tribunals to undertake every effort to ensure that they remain on track to meet the target dates of the Completion Strategies.

"The Security Council stresses that the full cooperation of all States with the Tribunals is not only a mandatory obligation of all States under its resolutions 827 (1993) and 955 (1994) and the statutes of the Tribunals, but also is an essential element in realizing the Completion Strategies. In this regard the Council takes careful note of the assessments presented with respect to the level of cooperation by the authorities of Serbia and Montenegro and the Republika Srpska within Bosnia and Herzegovina with the ICTY. We welcome as well the commitments made by the new government in Serbia regarding cooperation with the ICTY. The Council takes note of developments in Croatian and Rwandan cooperation with the ICTY and ICTR respectively.

"The Security Council reiterates its call on all States, especially Serbia and Montenegro, Croatia and Bosnia and Herzegovina, and on the Republika Srpska within Bosnia and Herzegovina, to intensify cooperation with and render all necessary assistance to the ICTY, particularly to bring Radovan Karadzic and Ratko Mladic, as well as Ante Gotovina and all other such indictees, to the ICTY.

"The Security Council reiterates its call on all States, especially Rwanda, Kenya, the Democratic Republic of the Congo and the Republic of the Congo, to intensify cooperation with and render all necessary assistance to the ICTR, including on investigations of the Rwandan Patriotic Army and efforts to bring Felicien Kabuga and all other such indictees to the ICTR.

"The Security Council notes with concern that the shortfall in financial contributions from Member States is having a disruptive effect on the work of the Tribunals and urges Member States to fulfil their commitments in a timely manner.

"The Security Council emphasizes the importance of the referral of cases involving lower and intermediate rank accused to competent national jurisdictions in achieving the Completion Strategies, and recalls the provisions of its resolutions 1503 (2003) and 1534 (2004), including the call for assistance to ensure the success of this effort.

"The Security Council also notes the concerns expressed by the President of the ICTY on the effect the expiry of the terms of Permanent Judges may have on case management and takes note of the letter of 15 July 2004 from the Acting Legal Counsel bringing forward an invitation to Member States to submit nominations for Permanent Judges of the International Tribunal for the Former Yugoslavia before 13 September 2004.

"The Security Council encourages further dialogue between the Tribunals and its Working Group on matters of mutual concern.

"The Security Council will remain seized of the matter."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2004/28.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

In accordance with the understanding reached in the Council's prior consultations, I wish to invite members of the Security Council to the consultations room to hear a briefing by the Secretary-General. I would like to remind members that the Secretary-General will begin his briefing promptly at 10.30 a.m.

The meeting rose at 10.15 a.m.